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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/034,394
Filing Date: December 27, 2001
Appellant(s): MOLES, BRYAN JEFFERY

MAILED

MAR 28 2006

Technology Center 2100

Jeffery Moles
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 9, 2006 appealing from the Office action mailed July 26, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,489,976

Patil et al

12-2002

Bickmore, et al "Web Page Filtering and Re-Authoring for Mobile Users", April 21, 1999,
Pages 1-13

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickmore et al ("Bickmore", Web-Page Filtering and Re-Authoring Mobile Users) in view of Patil et al ("Patil", US 6,489,976).

As per independent claim 1, Bickmore discloses a converter for automatically adapting markup language documents for display in small areas comprising: a conversion controller scanning a portion of markup language source selected for display for tags associated with graphical elements and replacing each detected graphical element (Column 4 lines 60-63, Column 5 lines 1-2) within the selected markup language source portion with one of a plurality of placeholders (Column 11 lines 23-26). Bickmore fails to distinctly point out reusable placeholders having labels corresponding to buttons. However, Patil teaches having labels corresponding to a set of buttons (Column 4 lines 36-40), wherein the plurality of placeholders are reused to replace detected graphical elements within other portions of the markup language source when such other portions are selected for display (Column 5 lines 21-31). Therefore it would

have been obvious to an artisan at the time of the invention to combine method of Bickmore with the current teaching of Patil. Motivation to do so would have been to provide a convenient way of initiating a link besides the conventional point and click method.

As per claim 2, which is dependent on claim 1, Bickmore fails to distinctly point out a physical switch for user control. However, Patil teaches wherein each button is a physical switch or display element functioning as a user control for initiating display of a graphical element replaced by a corresponding placeholder (Column 6 lines 17-25, Column 36-39). Therefore it would have been obvious to an artisan at the time of the invention to combine method of Bickmore with the current teaching of Patil. Motivation to do so would have been to provide a convenient way of initiating a link besides the conventional point and click method.

As per claim 3, which is dependent on claim 3, Bickmore-Patil discloses a converter wherein the graphical elements replaced by one of the placeholders includes images, user controls, hyperlinks, tables, and animations (Bickmore, Column 11 lines 23-26).

As per claim 4, which is dependent on claim 4, Bickmore-Patil discloses a converter wherein the conversion controller, responsive to selection of the markup language source portion for display, automatically replaces a tag associated with each detected graphical element with a link to one of the placeholders (Bickmore, Column 11 lines 23-26).

As per claim 5, which is dependent on claim 4, Bickmore-Patil teaches a conversion controller, responsive to election of a different portion of the markup language source for display including a different set of graphical elements than the previously selected markup language portion (Patil, Column 5 lines 21-23), automatically replaces a tag associated with each detected graphical element within the different markup language source portion with a link to one of the placeholders (Bickmore, Column 11 lines 23-26), thereby reusing placeholders for the different set of graphical elements (Patil, Column 5 lines 26-31; *order of presentation changed as order and content of icons change*).

As per claim 6, which is dependent on claim 4, Bickmore-Patil discloses a converter wherein the conversion controller passes altered markup language source containing at least one link to one of the placeholders in place of a graphical element within the selected markup language source portion to a markup language interpreter for rendering and display (Bickmore, Column 11 lines 23-35).

As per claim 7, which is dependent on claim 6, Bickmore-Patil discloses a converter wherein the actuation of a button corresponding to a placeholder within a displayed portion of the altered markup language source initiates display of the graphical element replaced by the corresponding placeholder (Patil, Column 6 lines 17-25, Column 6 lines 36-39).

Claims 8, 15 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 9,16 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 10,17 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 11,18 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 12,19 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claims 13,20 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 14,21 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

(10) Response to Argument

The Applicant argues that the cited references do not teach replacing each dedicated graphical element with the selected markup language source portion with one of a plurality of placeholders having labels corresponding to a set of buttons. Specifically Patil does not teach labels corresponding to a set of buttons. The Examiner disagrees, the claim language in claim 1, states that the placeholders have labels, but nowhere does it state the labels are attached to the placeholder as asserted by the Applicant. Patil is meant to teach labels that correspond to buttons, not placeholders. Bickmore is relied upon to teach placeholders as stated above.

The Applicant argues that there is no motivation to combine Bickmore and Patil. The Applicant also argues that neither Bickmore nor Patil teach or suggest the speculative motivation. The Examiner disagrees, motivation as pointed out in Patil (Column 1 lines 55-62).

One drawback associated with option icons is that they require a user to manipulate a mouse (or other input device) to point and click on the desired icon. This usually requires the user to remove at least one hand from the keyboard. Some users find that this decreases productivity. Accelerator keys avoid the need for the users to remove their hands from a keyboard.

The motivation as cited above could cause one of ordinary skill in the art to provide an alternate method of choosing an onscreen object, which Patil does by using shortcut keys that correspond the onscreen objects. Therefore it would have been obvious as suggested by Patil to combine the hyperlink placeholders of Bickmore with the labels that correspond to the buttons of Patil in order to teach the limitations of claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro

Art Unit: 2174

March 17, 2006

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